

**PENNSYLVANIA
BILL OF RIGHTS WEEK**

**RECOMMENDATIONS FOR
SCHOOL OBSERVANCE**

**BULLETIN 19
1941**

**COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF PUBLIC INSTRUCTION
HARRISBURG**



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ACKNOWLEDGMENTS

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No. 235

AN ACT

Providing for the observance of a Bill of Rights Week in the public schools of this Commonwealth.

THE General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1. The Department of Public Instruction shall designate a week during each year and prescribe a uniform course of exercises to be carried out during that week in the public schools to instill into the minds of the pupils thereof the purpose, meaning and importance of that portion of the Constitution of the United States and of this Commonwealth known as the "Bill of Rights." Such exercises shall be in addition to the prescribed courses of study in such schools.

Approved—The 28th day of July, A. D. 1941.

ARTHUR H. JAMES

DESIGNATION OF BILL OF RIGHTS WEEK

PURSUANT to Act of Assembly No. 235, 1941, establishing a Bill of Rights Week, the Department of Public Instruction hereby designates the week including December 15, date of the adoption of the first ten amendments to the Constitution of the United States, as Bill of Rights Week to be observed each year.

FRANCIS B. HAAS

Superintendent of Public Instruction

FOREWORD

THE nurture and preservation of liberties, and the discharge of responsibilities and duties under these liberties, are the most serious obligations of a free people. The times in which we live impose upon every citizen the solemn necessity of an adequate acquaintance with the kind and character of our liberties, the manner of their development, and the most promising means of their perpetuation. The importance of this necessity has special application to those who are maturing into active and fully participating citizenship.

For the purpose of stimulating the interest of school children in the basic rights of American citizenry, the General Assembly of Pennsylvania at its 1941 Session, provided that the Superintendent of Public Instruction of the Commonwealth should designate a Bill of Rights Week, and suggest exercises for proper observance of such week in the schools. This bulletin is written in compliance with this Act of Assembly.

It is hoped that the suggestions contained herein will be found to be of such character as to enable those responsible for the administration and instruction in the schools to carry out the intent of the law during the week which has been designated.

FRANCIS B. HAAS

Superintendent of Public Instruction

October, 1941

THE OBSERVANCE OF BILL OF RIGHTS WEEK

IT IS HOPED that the plan of this bulletin is such that principals and teachers will find it an aid in complying with the intent of the General Assembly as set forth in the Act.

The Act of Assembly evidently intends that those portions of the Constitutions of the United States and of Pennsylvania, commonly known as the Bills of Rights, shall be given specific attention in the schools during the week set aside for special observance. Since such concepts as Constitution and Bill of Rights depend upon a certain degree of mental maturity, this bulletin has been written largely in the interest of teachers whose children possess the necessary maturity.

It is suggested that teachers of very young children use discretion in basing observance of the week directly on the provisions of the Constitutions. Unless the children's maturity and experiences are such that the necessary terminology and concepts can be made meaningful to them, emphasis should be placed on their rights and responsibilities in the social environment in which they live, rather than on the more abstract principles of freedom. Reference should be made particularly to their constructive experiences in citizenship in the home, the school, the church, and the community. Upon these basic foundations a more specific understanding of the Bills of Rights can be built in later years.

From a number of possibilities which suggested themselves during the preparation of this bulletin, the form in which it appears was selected as the most satisfactory because of its adaptability to local conditions. In the general plan for arriving at appreciations and understandings, as well as in the use of activities, aids and materials, the possibilities of the typical school have been kept in mind.

The plan conceives of an appreciation of and a constructive approach to the Bills of Rights from five viewpoints:

- I. The Long Road to Freedom
- II. How We Get Our Rights
- III. Our American Freedoms
- IV. Challenges to Our Freedoms
- V. Our Responsibilities to America Today

These five areas do not necessarily imply that on each day one of the areas must be observed. As a minimum outcome of the week's observance, it ought to be possible for all children of sufficient maturity to have some knowledge of our freedoms and to recognize their applications to life.

The essays given under each of the five area titles are intended to establish for teachers, especially those not regularly engaged in the field of social studies, a brief background. Following the essays are suggested questions that may be used for discussion.

Methods other than discussion will undoubtedly be employed by some schools as a more effective means of bringing before their pupils the meaning and importance of the Bill of Rights. These methods depend upon the materials, equipment and other resources available in any given school. A variety of activities is suggested in the questions and in the sections on Activities and on Aids and Materials. Assembly and classroom addresses, declamations, readings, dramatizations, pageantry, tableaux, pictures and recordings are recommended as means of vivid portrayal of historic and current aspects of our freedoms.

UNITED STATES BILL OF RIGHTS

The first ten amendments to the Constitution of the United States, adopted December 15, 1791, are historically and commonly known as the Bill of Rights of the Federal Government.

AMENDMENTS OF THE CONSTITUTION OF THE UNITED STATES OF AMERICA

ARTICLE I

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the government for a redress of grievances.

ARTICLE II

A well regulated militia, being necessary to the security of a free State, the right of the people to keep and bear arms shall not be infringed.

ARTICLE III

No soldier shall, in time of peace, be quartered in any house, without the consent of the owner, nor in time of war, but in a manner to be prescribed by law.

ARTICLE IV

The right of the people to be secure in their persons, houses, papers and effects, against unreasonable searches and seizures, shall not be

violated, and no warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

ARTICLE V

No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a grand jury, except in cases arising in the land or naval forces, or in the militia, when in actual service in time of war or public danger; nor shall any person be subject for the same offense to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use without just compensation.

ARTICLE VI

In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the state and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel for his defense.

ARTICLE VII

In suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by a jury shall be otherwise re-examined in any court of the United States, than according to the rules of the common law.

ARTICLE VIII

Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

ARTICLE IX

The enumeration in the Constitution of certain rights shall not be construed to deny or disparage others retained by the people.

ARTICLE X

The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

PENNSYLVANIA BILL OF RIGHTS

ARTICLE I, entitled, Declaration of Rights of the Constitution of Pennsylvania, constitutes the Bill of Rights of the State Government of the Commonwealth of Pennsylvania.

THE CONSTITUTION OF THE COMMONWEALTH OF PENNSYLVANIA

ARTICLE I.

Declaration of Rights

That the general, great and essential principles of liberty and free government may be recognized and unalterably established, we declare that:

Section 1. All men are born equally free and independent, and have certain inherent and indefeasible rights, among which are those of enjoying and defending life and liberty, of acquiring, possessing and protecting property and reputation, and of pursuing their own happiness.

Section 2. All power is inherent in the people, and all free governments are founded on their authority and instituted for their peace, safety and happiness. For the advancement of these ends they have at all times an inalienable and indefeasible right to alter, reform or abolish their government in such manner as they may think proper.

Section 3. All men have a natural and indefeasible right to worship Almighty God according to the dictates of their own consciences; no man can of right be compelled to attend, erect or support any place of worship, or to maintain any ministry against his consent; no human authority can, in any case whatever, control or interfere with the rights of conscience and no preference shall ever be given by law to any religious establishments or modes of worship.

Section 4. No person who acknowledges the being of a God, and a future state of rewards and punishments shall, on account of his religious sentiments, be disqualified to hold any office or place of trust or profit under this Commonwealth.

Section 5. Elections shall be free and equal; and no power, civil or military, shall at any time interfere to prevent the free exercise of the right of suffrage.

Section 6. Trial by jury shall be as heretofore, and the right thereof remain inviolate.

Section 7. The printing press shall be free to every person who may undertake to examine the proceedings of the Legislature or any branch of government, and no law shall ever be made to restrain the right thereof. The free communication of thoughts and opinions is one of the invaluable rights of man, and every citizen may freely speak, write and print on any subject, being responsible for the abuse of that liberty. No conviction shall be had in any prosecution for the publication of papers relating to the official conduct of officers or men in public capacity, or to any other matter proper for public investigation or information, where the fact that such publication was not maliciously or negligently made shall be established to the satisfaction of the jury;

and in all indictments for libels the jury shall have the right to determine the law and the facts, under the direction of the court, as in other cases.

Section 8. The people shall be secure in their persons, houses, papers and possessions from unreasonable searches and seizures, and no warrant to search any place or to seize any person or things shall issue without describing them as nearly as may be, nor without probable cause, supported by oath or affirmation subscribed to by the affiant.

Section 9. In all criminal prosecutions the accused hath a right to be heard by himself and his counsel, to demand the nature and cause of the accusation against him, to meet the witnesses face to face, to have compulsory process for obtaining witnesses in his favor, and, in prosecutions by indictment or information, a speedy public trial by an impartial jury of the vicinage; he cannot be compelled to give evidence against himself, nor can he be deprived of his life, liberty or property, unless by the judgment of his peers or the law of the land.

Section 10. No person shall, for any indictable offense, be proceeded against criminally by information, except in cases arising in the land or naval forces, or in the militia, when in actual service, in time of war or public danger, or by leave of the court for oppression or misdemeanor in office. No person shall, for the same offense, be twice put in jeopardy of life or limb; nor shall private property be taken or applied to public use, without authority of law and without just compensation being first made or secured.

Section 11. All courts shall be open; and every man for an injury done him in his lands, goods, person or reputation shall have remedy by due course of law, and right and justice administered without sale, denial, or delay. Suits may be brought against the Commonwealth in such manner, in such courts and in such cases as the Legislature may by law direct.

Section 12. No power of suspending laws shall be exercised unless by the Legislature or by its authority.

Section 13. Excessive bail shall not be required, nor excessive fines imposed, nor cruel punishments inflicted.

Section 14. All prisoners shall be bailable by sufficient sureties, unless for capital offenses when the proof is evident or presumption great; and the privilege of the writ of habeas corpus shall not be suspended, unless when in case of rebellion or invasion the public safety may require it.

Section 15. No commission of oyer and terminer or jail delivery shall be issued.

Section 16. The person of a debtor, where there is not strong presumption of fraud, shall not be continued in prison after delivering up his estate for the benefit of his creditors in such manner as shall be prescribed by law.

Section 17. No ex-post facto law, nor any law impairing the obligation of contracts, or making irrevocable any grant of special privileges or immunities, shall be passed.

Section 18. No person shall be attainted of treason or felony by the Legislature.

Section 19. No attainder shall work corruption of blood, nor, except during the life of the offender, forfeiture of estate to the Commonwealth. The estate of such persons as shall destroy their own lives shall descend or vest as in cases of natural death, and if any person shall be killed by casualty there shall be no forfeiture by reason thereof.

Section 20. The citizens have a right in a peaceable manner to assemble together for their common good, and to apply to those invested with the powers of government for redress of grievances or other proper purposes, by petition, address or remonstrance.

Section 21. The right of the citizens to bear arms in defense of themselves and the State shall not be questioned.

Section 22. No standing army shall, in time of peace, be kept up without the consent of the Legislature, and the military shall in all cases and at all times be in strict subordination to the civil power.

Section 23. No soldier shall in time of peace be quartered in any house without the consent of the owner, nor in time of war, but in a manner to be prescribed by law.

Section 24. The Legislature shall not grant any title of nobility or hereditary distinction, nor create any office the appointment to which shall be for a longer term than during good behavior.

Section 25. Emigration from the State shall not be prohibited.

Section 26. To guard against transgressions of the high powers which we have delegated, we declare that everything in this article is excepted out of the general powers of government and shall forever remain inviolate.

FIVE VIEWS OF FREEDOM

I. THE LONG ROAD TO FREEDOM

IN ANCIENT and medieval times the average man knew little of the meaning of freedom in the sense of the rights to determine his destiny or express his own opinions or ideas. These were the sole prerogatives of a small ruling caste who controlled the government and economic life, and who enjoyed a monopoly of social and intellectual advantages. Those were the days of divine right of kings, a rigid caste system, a monopoly of land and wealth by a privileged class and even human slavery.

The greatest triumph of modern civilization has been the increasing freedom of the average man. The urge for this freedom has been the most powerful dynamic behind modern progress. It has expressed itself in every phase of the historical evolution of modern society. Men and women have suffered untold hardships to gain more freedom for themselves, their fellowmen and posterity. It has motivated the philosopher, the man of business, the artist and the poet, the educator and the scientist as well as the soldier and the statesman. The common objective of all has been the broadening of our individual freedom with increased opportunity to live in security, health and comfort.

The impact of the discovery of the New World upon the thought and activity of the Old World was tremendous. A new abundance of land served to break the age-old theory of land monopoly. New opportunities for trade broke the shackles of the guild system and other devices for limiting economic freedom. In America, England built a colonial empire where men like William Penn were free to grant liberties such as were not possible in Europe. Freedom of conscience and expression found rich new soil in a *New World*.

The idea of freedom, once given an outlet for expression, agitated the entire world. In England, where government by laws rather than men had taken root with Magna Carta as early as 1215, the Stuart Kings, apostles of divine right rule, were driven from the throne in 1689 and the Bill of Rights was proclaimed which embodied fundamental ideas of political freedom.

Exactly a century later revolution broke in France which had long suffered from the follies of a landed aristocracy and divine right monarchy. A chain of political upheavals lasting well into the next century spread representative institutions of government through a large part of Europe and induced a larger economic freedom. Our own American Revolution with its Declaration of Independence, the Constitution and its Bill of Rights was a part of this world movement.

But freedom is not merely a matter of constitutions and political changes. It is a matter of economic and social opportunity and equal-

ity. The forces of economic change engendered by the discovery of a New World came to a head at the close of the Eighteenth Century in an Industrial Revolution. Factories arose replacing manufactures in the home. New forces were astir and new economic freedoms appeared. The common man gained the right to vote, first in our own America and then abroad. He demanded greater educational opportunity and out of the demand came free public education. With it came new freedom of the mind and opportunities for full development of native intelligence such as the ancient world had never known.

The freedom of capital to seek investment was paralleled by the freedom of labor to bargain for its own protection. The expansion of education made possible the modern press and magazine and a growth of cultural interest and appreciation upon the part of great masses of people who wished to read and to enjoy leisure and privileges which in former centuries were the prerogative only of kings and nobles. Hospitals and dispensaries arose and man proceeded to conquer disease and pestilence because now the life of an ordinary man was a thing of value. A greater humanity of enlightenment became characteristic in the treatment of the poor and unfortunate.

All these things which are a part of our modern life are a product of our freedom. Divine right of kings is replaced with representative government; a landed aristocracy has been eliminated; a decent standard of living appears to be within the reach of the masses had been established; and the concept of man as a slave has given way to that of every man as his own master, subject only to legitimate social responsibilities.

But we are not at the end of the long road to freedom. It is a never ending search. We must always be alert to protect our freedoms and to press for even greater goals. In our time concentrations of political or economic power have challenged freedom. Ruthless conquest such as is going on in Europe and Asia is a threat to freedom. The power of the machines created by the Industrial Revolution has not always made for freedom. We still need to go far in freeing man from disease and insecurity. As in all past ages, we need today to be alive to the precious quality of freedom and ever ready to sacrifice in its defense and advance.

SUGGESTIONS FOR DISCUSSION

1. How were people able to justify the divine right of kings? How does their thinking contrast with our present view of the powers of our officials?
2. In what ways were men deprived of the right to determine their own way of life in ancient and medieval times? How does this contrast with present ideas and practices?
3. Can you see any reason why the average man should not be regarded as having the natural right to seek advancement and opportunity in proportion to his ability? Why were men denied this right in earlier days?

4. Has the long road to freedom ended, or may we hope for the development of still greater freedoms in the years ahead?
5. What were the basic provisions of the English Bill of Rights? How did they alter existing ideas as to political and civil privileges? What contribution did they make to our American freedoms?
6. What freedoms were stressed in the Declaration of Independence?
7. How did the abundance of land and the conditions of life on the American frontier promote freedom?
8. What effects did the American Revolution and the development of our Constitution have upon the outside world in the way of aiding the march of freedom?
9. Has the development of the Industrial Revolution created new freedom for man? Has it had any tendencies which threaten individual liberty and freedom?
10. What did Jefferson think about our democracy? What were some freedoms he advocated?
11. How did Jeffersonian and Jacksonian democracy promote greater freedom in our country?
12. What were some of the ideas of freedom and democracy advocated by William Penn and applied in the colonial government of Pennsylvania?
13. What were the provisions of the Bill of Rights in Pennsylvania's first Constitution in 1776? Are the same provisions contained in the Constitution in effect today?
14. Were there always free educational opportunities available to all in America? Why not? What is the relationship of free public education to the guarantees set forth in the Bills of Rights?
15. When and under what circumstances did we get our free public schools in Pennsylvania? Has free public education been extended since that time?

II. HOW WE GET OUR RIGHTS

Freedom is a thing to treasure, and freedom's essential evidences lie in the rights of individuals in a nation of free men. It is important, therefore, that Americans recognize the fundamental worth of their traditional rights so that they may treat them as they deserve. If these rights are to be preserved, and if new and greater freedoms are to be achieved, each succeeding generation must be able to deal intelligently with its rights. To do this requires that the people re-examine the origin of rights, both historically and in the lives of the individuals of their generation, not only to determine the social desirability of those rights for their time, but also to gain an understanding of how rights may be

acquired. The story of *The Long Road to Freedom*, presented in this volume, reviews briefly the historical development of our rights. But each person gets his basic concept of rights in more personal ways. Rights themselves and an appreciation of rights arise out of the life experiences of people.

Not everything that people like to do is necessarily within their rights. Other well-disposed people have their rights also, and some of them may not like or may even be harmed by what others feel they have a right to do. Our rights are necessarily limited by the equal rights of others. What, then, are some of the steps by which certain things have come to be recognized as the rights of free people?

Primarily, a right is something people are free to do or enjoy. Rights grow out of experience. A person comes to regard as a right something that he learns by experience is good for him, unless he finds that it harms others. Sometimes people have mistaken beliefs about their rights because they do not sufficiently consider harmful effects of their acts on other people. Of course, the question of rights is important only in situations where people have to do with one another. If a person could live entirely by himself, there could be no question of rights, and the concept of rights would never have arisen. It is important to realize, in this connection, that, while people's rights are limited by the rights of others, in observing the rights of others they help to make their own more secure.

In the growth of our society, when certain ways of living and acting have come to be commonly accepted as reasonable, it has been found wise to set them down in such form and manner that they will not be misunderstood. In this way laws have developed. Laws are good, when back of those laws are principles and ideals that give them reason and force. Such principles and ideals are the elements that make up our Bills of Rights.

Some conditions undoubtedly are more favorable to the general enjoyment of rights than others would be. Hence, it is important that each generation understand clearly what those favorable conditions are. And since society is committed to a belief that democracy presents the most favorable conditions for human freedom, we need to ask what democracy is and how it contributes to our rights.

From time to time people have tried to put into brief statements what democracy means to them. Some such statements are given here:

"Democracy is a way of life which seeks to give every person his proper share in the making of the society to which he belongs."*

"Democracy is a way of life and social organization which above all others is sensitive to the dignity and worth of the individual human personalty, affirming the fundamental moral and political equality of all men and recognizing no barriers of race, religion, or circumstances."*

"There are at least four elements in democracy as it appears in our life together. Democracy is all of these and perhaps more.

"To some, democracy is *political*. It is a form of government in which people rule themselves.

"To others, democracy is *economic*. It is a form of life and work in which each person contributes his share of service and has the right to enjoy the returns that come from it.

"To a third group, democracy is *social*. Each person may not be equal in all respects to every other, but no one is denied through birth or rank the right to make a place for himself suited to his efforts, character and ability.

"To still another group, democracy is *moral*. Each individual has the right to enjoy respect for his own personal qualities and to develop them in every honorable way."*

SUGGESTIONS FOR DISCUSSION

1. Try to compose a definition of democracy that would be clearer to you than those given above and still include all important ideas.
2. Can some of the elements of democracy exist without the others? Should the people of a country be satisfied with anything less than the four fundamental freedoms?
3. Do freedom and democracy go together? Can one exist without the other?
4. Show that freedom does not mean the same as license or special privilege.
5. What do we mean by civil liberties?
6. May the right to refrain from doing something be as important as the right to do it? Illustrate.
7. Might different groups of people, such as business men, farmers, factory workers, or physicians, have different ideas about democracy and freedom and about the rights of people? Why?
8. What should we do if people disagree over their rights? Should we let them fight it out, or should we talk things over and make some concessions to one another's opinions?
9. What method or methods may democracy use to determine what our rights shall be?
10. Which is better, to let the opinions of the majority of a group be accepted, at least temporarily, or to allow some individual to have the powers to decide, in determining what an entire group may do?
11. When the majority have made a decision concerning the rights of individuals or groups, do those who disagree still have any rights in the matter?
12. These thoughts and these questions lead us directly to the next area of interest which we are considering this week. Where may we find our own Bills of Rights for the United States and the State of Pennsylvania? When were they drawn up? What are the leading principles they assert?
13. May our ideas as to the rights of individuals and groups of people change as time goes on? If so, how can the change be recognized?
14. Is this statement from Theodore Parker true? "Democracy means not 'I am as good as you are,' but 'You are as good as I am'."

*From *Our Democracy*. Page 9. Educational Policies Commission. February, 1941.

III. OUR AMERICAN FREEDOMS

During the one hundred and eighty years from the settlement of Jamestown, Virginia, to the framing of the Constitution in Philadelphia, the American colonies were adapting English ideas and ways of government to life in the New World. Although the original colonies were not entirely English, either from the composition of the population or from the structure of political and social institutions, the predominance of English ideas gave caste to colonial society.

The European settlers came to the New World with various motives—desire for religious freedom, hope of economic betterment, love of adventure, and ambition for political and social standing. They also had some deeply ingrained convictions about individual rights, liberties, duties and responsibilities. Those who came from England brought with them all the rights which their forefathers had wrested from autocratic nobles and kings: the right of trial by jury, the right to participate in law-making either directly or through representatives, the right of habeas corpus, the right to equal treatment under the law, the right of petition and assembly, the right to acquire, possess and protect property and reputation, and the right of self taxation.

Those rights and liberties which the early colonists brought with them from the Old World were modified and extended in the New World. The three thousand miles of arduous and dangerous travel which separated the mother country and her colonies weakened the bonds of unity with the mother country and contributed to the rise of a new set of political principles. Trade, industry, agriculture and frontier conditions also influenced the growth of certain American ideals; as, the worth of the individual in society, self sufficiency, distrust of the absentee whether in person or in government, the desire to be free from unnecessary government regulations, freedom of speech and of the press, freedom of conscience and religious worship, and the right to be secure against unreasonable searches and seizures.

The American Revolution did not result in the discarding of one set of principles and the introduction of another. Rather, it was a continuation of developments already under way, hastened somewhat by the condition of the times. The governmental ideals of the colonial period, coupled with the natural rights of man then being discussed by political philosophers, were embodied in the Declaration of Independence and in Declarations of Rights in the first state constitutions. Many of the elements of freedom were also enumerated and defined during the revolution in pronouncements of state governments, press and political leaders; but for a complete expression of the ideal of freedom, one must look to the doings of the people as well as to their words. During this period there was a rapidly growing tendency toward acknowledging the principle of liberty of conscience; that is, liberty of the individual to worship God publicly according to the dictates of his own conscience without a denial of the right to vote and hold office. Several colonies had progressed from religious intolerance within their borders during the early colonial period to a requirement that any one elected to office had to believe in the Christian religion. Pennsylvania

and Rhode Island had been tolerant of people with different religious beliefs from the beginning and this position was confirmed in their first state constitutions. Most of the early state constitutions were decidedly liberal with regard to religious tests as compared with the colonial charters. Freedom of expression by the people and their right to determine their government were also acknowledged.

The Constitution of 1787 provided for the establishment of a federal form of government which was granted certain delegated and enumerated powers. The framers of the Constitution understood that differences of interpretation were likely to arise from the general language used in the document, and as a matter of fact, the new government was hardly launched before such differences of opinion plunged the country into a violent controversy. While certain prohibitions on the authority of the Federal and State governments found a place in the Constitution, they fell short of popular desire in this direction. As a consequence, in 1791 the first ten amendments, commonly known as the Bill of Rights, were adopted. Eight of these amendments directly and the other two indirectly designated certain specific rights of the people which could not be infringed upon by the Federal Government. Similar provisions were written into the Pennsylvania Constitutions in 1776, 1790, 1838 and 1873.

It was not intended that the rights guaranteed to the people in either the Federal or the State Constitutions should be absolute in any interpretation of their meaning. Freedom of speech and of the press which would incite to rebellion, the encouragement of disobedience to the law or the malicious defamation of character would be manifestly illegal. The practice of polygamy in the name of religion and unreasonable disturbance of the peace of the community by religious exercises have at one time or another been held illegal by the courts. It is readily evident that the unrestricted exercise of liberty by any person or group of persons, despite constitutional guarantees, might lead to gross injustice against others.

The growing complexity of society and the interdependence of its members tend to create new restrictions where formerly rights were more nearly absolute. If such restrictions become necessary, great caution will need to be exercised that basic personal rights are retained for the individual. The rights to think, to express thought, to worship according to the dictates of personal conscience, to enjoy security in home and property, to have equality before the law, and to participate in formulating the policies of government are indispensable to a free people.

SUGGESTIONS FOR DISCUSSION

1. Discuss the following "rights" or "freedoms" which are mentioned in the Bills of Rights in our Federal and State Constitutions: Freedom of religion; freedom of speech; freedom of the press; freedom of assembly; freedom of petition; protection of life, liberty and property; trial by jury; prohibition of unreasonable punishment; equal rights before the law; freedom to acquire, possess and protect property and reputation; the right to alter and reform the govern-

ment through the regularly organized channels; the right to bring suit against the State for damage by it to person or property; and freedom to emigrate from the State. Try to decide what each of these really means and why it is of importance.

2. Must we enjoy all of these rights in order to have democracy, or could some of them be ignored without affecting the others?
3. In war time the rights of free speech and a free press have been restricted. Tell when this occurred. How was this action defended by the Government?
4. The Federal Government has at times placed restrictions on the dissemination of information about defense industries, certain inventions and army maneuvers. Is this a violation of the Bill of Rights?
5. Are there times when it is important that we do not insist upon the exercise of all of our rights?
6. Since the rights of each of us are limited by the equal rights of others, in regard to each of the first six items listed above, mention at least one way in which it might be abused or one limit that must be placed upon it.
7. Would the rights listed above be likely to exist in any government not built on the principle of democracy? If so, how? If not, why not?
8. Is voting a "right" or "privilege"? Is the "right to vote absolute and unrestricted? In what sense do "governments derive their just powers from the consent of the governed"? Is there more than one way by which people may give their consent?
9. Can either the Federal or State governments seize private property for public use without the owner's consent?
10. Why was the Bill of Rights added to the Constitution?
11. In the American Revolution were the colonists trying to gain more liberties, or protect from encroachment those they already had? How does this compare with our situation today?
12. Would censorship of the movies, radio and periodical literature be a violation of rights guaranteed by the Bills of Rights?
13. What arguments would you advance to a visitor from a dictator country in defense of our American constitutional liberties?

IV. CHALLENGES TO OUR FREEDOM

The period through which we are now passing is perhaps one of the most critical periods in world history. Large parts of Europe, Asia and Africa have been devastated by a war which appears to be getting closer and closer to America. We are greatly concerned about this war not only because it endangers our national safety, but also because we fear it is aimed at rights which men everywhere have secured for themselves

by long and arduous struggle. Man's spiritual heritage of freedom and the basic principles upon which our own nation was founded seem to be at stake.

We appear to be on the brink of a cataclysm in which the democratic way of life may be put to the supreme test of survival. The spread of the power of the avowed enemies of democracy is clearly seen in the invasion of country after country, the disruption of international trade and the widespread use of propaganda and other subversive activities for the purpose of creating confusion in countries long devoted to freedom.

The war that threatens democracy is a conflict of ideologies, of basic values and of ways of living. The totalitarian leaders assert that the state is superior to its citizens, that government by self-appointed dictators is better than government by a participating citizenry, that law-making should be dictatorial rather than deliberative, that trials should be arbitrary rather than by jury, that personal opinion not in accord with authoritative will is treason and that religious conscience should be subservient to the state.

The United States is pledged to the ideal of a free people. We must do everything within our power to preserve this ideal. This can be done by building up our defenses within. We must not let our own social and economic problems, wrong ideas about freedom and the democratic processes, internal group antagonisms, and widespread reluctance to assume civic responsibilities discourage us in our determination to maintain our historic way of life.

Above all we must let neither misinformation nor lack of information lead us into a feeling of false security. Freedom was achieved by aggressive thinking and acting. It can be perpetuated only by the same processes. The schools have an obligation to the nation which can be discharged only by a positive position in setting before pupils the ideal of freedom as opposed to all forms of absolutism, ancient or modern. The people have a right to look to the schools to disseminate information about challenges to our freedom and the freedom of all mankind, and to expect them to uphold dynamic democracy as a means of combatting these challenges.

SUGGESTIONS FOR DISCUSSION

1. What does it mean to you to be an American?
2. What is meant by totalitarianism? What is meant by democracy? How many political parties are permitted in a totalitarian state? How many in a democracy? What is a dictator? What are his powers? How does a dictator gain and maintain his powers? How does a leader in a democracy gain and maintain his powers? What limits are placed upon his powers? What happens to those who oppose dictators? What can people in a democracy do to rid themselves of unworthy leadership?
3. In what way may the enjoyment of our own rights in this country be threatened from outside?

4. When and to what extent may it be true that it is of no concern to us what kind of government some other country has? When do the ideals or form of government of another nation become matters of real importance to us?
5. What are some wrong ideas of freedom that you have observed or read about? How may they result in an abuse of our liberties?
6. What conditions in a country might interfere with the enjoyment of people's rights? Are there conditions in the social life of our country today which might threaten the enjoyment of our rights? If so, what?
7. What are some of the things that you can do in your school and in your community to live in accordance with the principles of freedom made possible through the Bill of Rights?
8. In the schools in a free country, should we teach that democracy is the right kind of government, or simply describe different forms of government and let students draw their own conclusions?
9. Is there any danger of intolerance of thought or spirit or antagonisms between groups in our country that might lead to interference with the rights of individuals or groups of people?
10. Do changes in the way people live and work call for changes in governmental procedures? Can such changes be made peacefully? If so, how?
11. How is public opinion formed? What is propaganda? How can we distinguish between that which is true and that which is false in all we hear and read? How can education prepare people for living in a democracy?
12. What do we mean by "fifth columnists?" Do we have them in this country today? How may they interfere with our freedoms?

V. OUR RESPONSIBILITIES TO AMERICA TODAY

Rights are always accompanied by responsibilities; when we demand the right of free speech, the right to worship as we choose, the right to a just trial, and other equally important rights, we must expect to share the responsibilities which make these rights possible. In the long history of man there have been times when the struggle for rights was fierce and determined and people felt their responsibilities strongly. But there have been other times when rights were taken for granted—when people seemingly forgot that these rights could be lost if the people did not work to preserve them.

Apparently the American people have gone through a period of the latter type. Great gains for human freedom were crystallized when the Constitution of the United States was adopted, and when its first ten amendments guaranteed to the American people important personal and political rights which had been emerging through the centuries.

Other gains were made when the thirteenth, fourteenth and fifteenth amendments to the Constitution guaranteed these rights to a group who had previously been denied them. State constitutions have also helped to crystallize our beliefs in human freedom. Still other gains in the achievement of rights have been made within the past century.

But rights are not fully achieved when they have been written into a constitution. Continuing effort is needed to make some of them effective in important aspects of daily life. Throughout our entire history there have been those who worked to achieve fuller functioning of the rights set forth in our State and Federal Constitutions. Many, however, seemed to believe that the general pattern of democracy had been fully achieved, that we had developed at least the essential features of the best possible government, and that only time was needed to smooth out its seeming failures. Many Americans considered it their just privilege to enjoy the fruits of the labors of the Founding Fathers without having to make any major contribution of their own. They congratulated themselves, thinking how fortunate they were to have such an inheritance, and sometimes forgot that rights once gained or partially gained might be lost without eternal watchfulness. And they forgot, or never realized, that our democracy was still crude in many ways and that it needed continually to be refined and perfected. Or they failed to see that the procedures which worked satisfactorily and efficiently at one stage of our development as a nation might need to be revised or replaced with new ones to guarantee the same rights in later, different periods.

Today national and world conditions make it imperative that we see with increasing clarity the ways in which each of us can help to make more complete the functioning of freedom in and through America. It is imperative that we make our specific contributions to the functioning of freedoms in whatever ways we can. There are many things that we can do. Some of them have to do with our daily life with our families. Some have to do with the way we live and work and play together in our schools. Others have to do with our work outside of school—with our clubs, our churches, our community, our state, or our nation as a whole. For our freedoms are strengthened, or their development is hindered, by the way in which we live and think and act each day throughout our entire lives. While we can show our loyalty to America through our pledge to the flag and the country for which it stands, through the singing of our national anthem and other patriotic songs, through contributing in one or many ways to the defense of our country in times of emergency, it must be remembered that over the long years democracy is made real and the rights of people are achieved by the way in which all of us carry on our daily lives together.

SUGGESTIONS FOR DISCUSSION

1. Democracy is not fixed or unchanging but requires constant adaptation to conditions and people. Tell how people's ideas have changed in regard to (a) the right to vote, (b) social security, (c) standards for working conditions.

2. Can we be so insistent on individual freedom as to do harm to both ourselves and society? Is this more or less likely to be true during a national emergency?
3. Is democracy more difficult to carry on than some other kinds of government? How does this add to our individual responsibilities? Does this difficulty increase or decrease the values of freedom?
4. Can democracy succeed without leaders? How can we be sure of getting good leaders?
5. Public opinion plays an important part in determining what we do. How can we make it serve rather than hinder the development of American freedom?
6. How can unfairness result from our thinking of people of different race, nationality, or religion than our own as being less than ourselves?
7. How can students carry on their class activities in such ways that they help to make democracy more real?
8. Can boys and girls contribute to democracy by the part they play in their home life?
9. How may each one of us help to make the United States of America a country that lives up to the highest possible ideals?
10. How much can we hope to achieve in bringing unity to the ideals of our people? What do we understand by "one nation indivisible?"
11. How can we keep ourselves calm in times of danger without becoming careless or complacent about rights and responsibilities?
12. Is it true that with every right and privilege we enjoy in a democracy there belongs a duty? If so, why do we have much more to say about our rights than our duties?
13. Looking back to the list of rights and freedoms that were mentioned in the section on Our Freedoms, mention at least one duty that is connected with each right or privilege.
14. May it sometimes be necessary to sacrifice personal convenience or advantage for the general good? Mention cases in which this might be true.
15. How may self discipline on our part help to make our country better?
16. What does patriotism mean to you? Is it a matter of reason and judgment, of emotion and feeling, or of all of them combined?
17. What can we do in our school to encourage an appreciation of our rights and liberties and a determination to defend them?

ACTIVITIES FOR BILL OF RIGHTS WEEK

SCHOOL ACTIVITIES pertaining to the Bills of Rights have for their purpose a vivid presentation of the development, the establishment and the historic and current meanings of our constitutional freedoms.

It is assumed, of course, that there will be some direct study and discussion of these charters of American liberty during Bill of Rights Week, the type and amount depending upon the maturity of the pupils.

It is hoped the activities here listed will suggest to the school a means of presenting the Federal and State Bills of Rights in such manner as will vitalize the understandings and attitudes essential to the maintenance of the freedoms which we have inherited.

I. ASSEMBLY ACTIVITIES

1. Dramatizations and tableaux depicting any one or a series of episodes in the long road to freedom.
2. Dramatizations and tableaux depicting the American road to freedom.
3. Addresses, talks, declamations, readings and essays. These should be carefully prepared for public presentation.
4. Debates and panel discussions.
5. Motion pictures.
6. Film slides and slide pictures accompanied by well-prepared talks.
7. Recordings of speeches, drama and music.
8. Singing of patriotic songs.
9. School band and orchestra productions or recordings of the great anthems and symphonies of freedom.
10. Radio broadcasting, either from an outside studio or on the school stage.

II. CLASSROOM ACTIVITIES

1. A careful reading of the Bills of Rights during the week.
2. Classroom adaptations of activities suggested for the assembly.
3. The writing of dramatic and radio scripts.
4. The planning and production of tableaux, friezes and posters.
5. Choral readings of appropriate literature.

6. The making of booklets and charts. These may be descriptive, pictorial, or graphic.
7. Using bulletin board displays appropriate to an understanding of the Bill of Rights.

III. ACTIVITIES FOR YOUNGER CHILDREN

Younger children in the elementary school probably have neither the maturity nor the background of experiences to make such concepts as Constitution or Bill of Rights very meaningful. They do, however, have the ability to understand personal rights and responsibilities as these relate to their own work and play activities and their individual and group life in the classroom, in the home, and in the community. They can understand these matters, also, as they encounter them in stories of the lives and activities of other children in similar situations. Such understandings, developed in the early school years, provide a sound basis for the meaningful understanding of the Bill of Rights as the child becomes mature.

Observance of Bill of Rights Week in the earlier elementary grades should therefore include activities which utilize the background of experiences of the particular group of children for whom they are planned. Several types of activities are possible.

1. Discussions led by the teacher, using the children's specific experiences or their knowledge of the experiences of others to bring out such thoughts as:

We have the right to do those things that are good for us and that harm nobody else.

Our school life is happy when we each think of making others happy.

We must have rules in order to play games. For the same reason we have laws to tell us what is best for people to do.

It is necessary to have fair play if we are to live together happily. Those who want to have fair play may sometimes have to be willing to stand by one who is being imposed on by some bully or selfish person.

When we have troubles because we disagree, we can usually settle our problem by talking it over.

Some people go to one church, some to another. In America we can decide for ourselves what church we will go to. People who go to different churches can be friends.

In our country people can say what they wish to say so long as what they say does not harm others.

People often have things which belong especially to them. We must respect their rights to have such things and be careful not to damage or harm such property.

2. Stories to bring out similar ideas told by the teacher or read by the children.
3. Stories illustrating specific rights and responsibilities used as the subject of dramatic plays.

4. Pictures or sketches made by children illustrating some of the ideas discussed with their teachers.
5. Patriotic songs which stress freedom and loyalty. These may be discussed to make their meaning clear.
6. The Pledge of Allegiance discussed to give meaning to the phrase, "with liberty and justice for all."

Older children in the elementary school are probably able to understand much of the significance of the Bills of Rights themselves. It is suggested that some of the simpler activities listed under Assembly and Classroom Activities above may be used in these grades, or that adaptations be made to the ability level of the particular children for whom they are planned.

IV. SUGGESTED TOPICS FOR ACTIVITIES

1. The major points in the Bills of Rights.
2. Local or state events associated with the securing of our liberties.
3. Our responsibilities under freedom.
4. Heroes of freedom in word and deed: Nathaniel Bacon, Roger Williams, Anne Hutchinson, William Penn, Patrick Henry, Thomas Jefferson, William Lloyd Garrison, Elijah Lovejoy, Abraham Lincoln, Thaddeus Stevens, Woodrow Wilson, Cardinal Mercier, David Lloyd George, Winston Churchill, Franklin D. Roosevelt.
5. Historic meetings which gave us the Magna Carta, the Mayflower Compact, the Albany Plan, the Declaration of Independence, the Constitution of the United States.
6. William Penn's Frames of Government.
7. Freedom versus authoritarianism.
8. The individual under freedom and under totalitarianism.
9. Humanitarian and charitable activities as outgrowths of freedom.
10. School freedoms and responsibilities, especially in pupil participation in class or in school government.

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The references given above are suggestive helps for study and discussion. Additional references may be found in social studies textbooks, encyclopedias and current periodicals.

AIDS AND MATERIALS

I. FILMS

- American Way, The* (formerly, *We, the People*)—1 reel, 16 mm. sound. Cinema, Inc., 234 Clarendon St., Boston, Mass. Also available as 1 strip, 35 mm., sound slide projector or film projector and turntable, from National Industrial Council, 14 West 49th St., New York.
(The United States Constitution and the relation of the different functions of the government.)
- Declaration of Independence*—2 reels, 16 mm., technicolor, sound, rent or lease. Teaching Film Custodians, 23 West 43rd St., New York.
(The revolutionary period and the philosophy of the Founding Fathers.)
- Servant of the People*—2 reels, 16 mm. sound, rent or lease. Teaching Film Custodians, 25 W. 43rd St., New York.
(The making of the Constitution.)
- Story That Couldn't Be Printed, The*—Teaching Film Custodians, 25 W. 43rd St., New York.
(On freedom of the press.)
- Interdependence*—30 min., 16 mm., silent. Harvard Film Service, Cambridge, Mass., or Bell and Howell, New York.
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(Both the above from Superintendent of Documents, United States Government Printing Office, Washington, D. C.)

IV. RECORDINGS

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Let Freedom Ring. 7 records, 30 min. each, 16 in., 33-1/3 R.P.M., Educational Radio Script and Transcription Exchange, United States Office of Education, Washington, D. C. Titles include: Bill of Rights, Trial by Jury, Freedom of Speech, Freedom of the Press, Freedom of Worship, Right of Petition, Freedom of Assembly.

Lest We Forget. Series of 26 records (52 15-minute programs), 16 in. 33-1/3 R.P.M. Division of Teaching Aids, Boston University School of Education, Boston, Massachusetts.

Americans All—Immigrants All. 24 records, 30 minutes each, either 12 in., 78 R.P.M. or 16 in., 33-1/3 R. P. M. Educational Radio Script and Transcription Exchange, U. S. Office of Education, Washington, D. C., or Linguaphone Institute, 30 Rockefeller Plaza, New York.

V. SONGS

Ballad for Americans. Robbins Music Corporation, New York City.

Bill of Rights, The. Jay Gorney. 506 N. Alta Drive, Beverly Hills, California.

God Bless America. Irving Berlin, Inc., New York City.

I Am An American. Boston Music Company, Boston, Massachusetts.

Let Freedom Ring. Feist-Miller Company, New York.

My Own United States. M. Witmark and Sons, New York.

Your Flag and Mine. Larry Spier, Inc., New York.

